

From: [Smith, Monica](#)
To: [Matthiessen, Craig](#); [Fisher, Mike](#); [Haas, Craig](#); [Kelley, Rosemarie](#)
Cc: [Averback, Jonathan](#); [Jennings, Kim](#); [Broyles, Ragan](#); [Petersen, Chris](#); [Thompson, Steve](#)
Subject: RE: Preparation for Hearing on EO - more
Date: Thursday, March 06, 2014 12:34:52 PM

Craig –Representatives from the Region visited the location of the West Chemical & Fertilizer Company shortly after the incident. It was decided that we would not conduct any additional investigations related to the explosion under the CAA 112(r) 1 or 7. The Region has decided to not pursue an enforcement action against West Fertilizer under CAA 112 (r) 1 or 7.

Monica

From: Matthiessen, Craig
Sent: Tuesday, March 04, 2014 7:16 AM
To: Fisher, Mike; Haas, Craig; Kelley, Rosemarie; Smith, Monica
Cc: Averback, Jonathan; Jennings, Kim
Subject: FW: Preparation for Hearing on EO - more
Importance: High

Hi; to follow up – here are questions from a previous hearing. Any update to these? Thanks – Craig

1) Describe EPA's investigation of the West, Texas facility, including timelines and scope.

EPA Response: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is currently the lead agency investigating the explosion at the West Chemical & Fertilizer Company, because the cause of the accident is unknown and could be a deliberate release. Once ATF completes its investigation, the Regional Risk Management Program (RMP) inspectors will visit the facility to conduct further investigations in coordination with other Federal Agencies. We will evaluate all available records and interview transcripts with regard to the Clean Air Act (CAA) Section 112(r) program.

8) Describe any and all fines issues against the West facility for failing to comply with safety standards related to chemicals.

EPA Response: EPA Region 6 conducted an RMP inspection at the West Chemical & Fertilizer Co. on March 16, 2006. The inspector observed the processes and the equipment at the facility, and reviewed the facility's RMP and associated records. The inspector identified the several violations, including:

- failure to update the RMP (the update due on 2004 had not been submitted), including updating the Hazard Assessment and Hazard Review and consequences of deviation in operating procedures,
- failure to properly document new operator training,
- failure to develop a formal mechanical integrity program, and
- failure to conduct compliance audits.

In accordance with the EPA approved penalty policy in place in 2006, on June 5, 2006, the Region issued a proposed Expedited Settlement Agreement (ESA) which assessed a penalty of \$2,300 to West Chemical & Fertilizer Co. The company submitted its updated RMP (which corrected the noted deficiencies) on July 7, 2006 and paid the penalty. The Agency issued the final ESA on August

14, 2006.

No other actions have been taken by EPA against this company for this facility.

From: Matthiessen, Craig

Sent: Monday, March 03, 2014 6:06 PM

To: Kelley, Rosemarie; Craig Haas; Fisher, Mike; Averbach, Jonathan

Cc: Kim Jennings

Subject: Preparation for Hearing on EO

Importance: High

Our AA is getting ready for a hearing in front of SEPW on Thursday. One question from the previous hearing: what's the status of any criminal investigation of the West, TX facility? Are any other enforcement actions underway? Any input you can provide Tuesday morning to prepare for a pre-meeting on this at 10 am would be much appreciated!

Thanks – Craig